

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
New Augusta Train Derailment - Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region IV

Subject: POLREP #2
Progress
New Augusta Train Derailment

New Augusta, MS
Latitude: 31.2055720 Longitude: -89.0592740

To:
From: Leo Francendese, On-Scene Coordinator
Date: 2/2/2014
Reporting Period: 02/02/2014

1. Introduction

1.1 Background

Site Number:	Z4XW	Contract Number:	
D.O. Number:		Action Memo Date:	
Response Authority:	OPA	Response Type:	Emergency
Response Lead:	PRP	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	1/31/2014	Start Date:	1/31/2014
Demob Date:		Completion Date:	
CERCLIS ID:		RCRIS ID:	

ERNS No.: 1072598 **State Notification:**
FPN#: E14428 **Reimbursable Account #:**

1.1.1 Incident Category

Emergency: The On-Scene Coordinator (OSC) has entered into Unified Command with the Mississippi Department of Environmental Quality (MDEQ), Perry County Emergency Management Agency (EMA) Director and Canadian National Railway (CN). CN has been issued a verbal Notice of Federal Interest and has also been notified that a Clean Water Act (CWA) discharge has occurred which will warrant a CWA 311(c) Administrative Order.

1.1.2 Site Description

A train derailment along US Highway (Hwy) 98 in New Augusta, Mississippi. Nineteen (19) rail cars carrying materials manifested as paper rolls, fuel oil, methanol, urea fertilizer, and an unplacarded material identified as environment sensitive petroleum product derailed. Twelve (12) of the rail cars that derailed were carrying fuel oil (manifest designation). During the derailment, some of the fuel oil cars, one methanol rail car, and the material identified as environment sensitive petroleum product were damaged and released their contents.

1.1.2.1 Location

US Hwy 98, approximately 0.5 mile west of the intersection US Hwy 98 and Ms Hwy 29 in New Augusta, Mississippi.

1.1.2.2 Description of Threat

The methanol release represents a threat of fire or explosion and warranted the evacuation of nearby residents.

Up to an estimated 50,000 gallons of oil were discharged into navigable waters of the United States beginning at the drainage ditch between US Hwy 98 and the rail line. The 19 railcars that are derailed contain an approximate total volume of 360,000 gallons of crude oil as identified by the manifest, which represents an additional substantial threat of discharge to navigable waters of the US. The drainage ditch flows to the Leaf River. The approximate distance from the discharge to the Leaf River is 1/2 mile.

It is estimated that approximately 10,000 gallons of the environment sensitive petroleum product was identified as discharged to the creek adjacent to the railway on 2/2/2014.

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

At approximately 0800 hours on January 31, 2014, a Canadian National Freight Train derailed in New Augusta, Perry County, MS. A total of nineteen (19) tanker railcars derailed. Up to an estimated 50,000 gallons of fuel oil was discharged as a result of the derailment. The one (1) methanol rail car was reported leaking in a separate area from the crude oil. The fuel oil was discharged to a drainage ditch between the rail line and US Hwy 98. The drainage ditch drains to the Leaf River which is approximately 1/2 mile downstream. OSCs Francendese, Garrard, and Franco are on scene to oversee and direct response actions. Shortly after the derailment, local Emergency responders implemented a 1/2 mile evacuation zone surrounding the derailment and closed a section of US Hwy 98. The Red Cross opened an evacuation shelter to accommodate the evacuees. Eight (8) individuals remained at shelters during the evening of January 31, 2014. The shelter was closed on February 1, 2014.

2.1.2 Response Actions to Date

January 31st

- Earthen berms were constructed in the drainage ditch between US Highway (Hwy) 98 and the rail line to stop the migration of oil downstream.
- Responders plugged box culverts along US Hwy 98 which drain into effected areas to reroute runoff from precipitation. Responders temporarily stopped the leak from the methanol rail car.
- Earthen berms were constructed to contain the discharged crude oil located within the drainage ditch between US Hwy 98 and the rail line.
- Responders mobilized additional resources to address the derailed tank cars. Re-railing and wrecking activities began and continued through the night.
- US Hwy 98 eastbound was reopened and reconfigured to allow for east and west bound traffic.

February 1st

- During the morning hours of February 1st, all of the rail cars were moved and staged away from the rail line to allow for rail restoration activities. Rail restoration activities were completed and rail traffic resumed at 13:30.
- Evacuated residents along the southern side of US Hwy 98 were allowed to return to their homes on the morning of February 1st.
- Transfers from the methanol rail car began at approximately 10:30 and were completed at 22:45. The methanol was transferred into tanker trucks and transported to the final destination.
- Earthen berms were constructed and reinforced around oil-impacted areas. Reinforcing of berms was completed in anticipation of a predicted rain event. In anticipation of rain, standing water in the eastern end of the drainage ditch was pumped to increase freeboard.
- Solidification of spilled oil began in the impacted areas between US Hwy 98 and the rail line.
- Air quality monitoring was performed by Consetoga-Rover & Associates, contractor for CN, and United States Coast Guard (USCG) Gulf Strike Team (GST) in support of the EPA OSC. All air monitoring results indicated there have been no elevated readings of monitoring parameters above background.

February 2nd

- Evacuees from the northside of the US Hwy 98 began returning home this morning.
- MDEQ and USCG GST personnel accompanied the escort team. Air monitoring was conducted in homes prior to entry.
- The methanol car has been deconned and is prepared for scrap. Contents of the Urea rail cars have been transferred to frac tanks and the rail cars are being prepared for decontamination.
- The heating coils of the oil tank cars were prepared on five tank cars and are being heated for product transfer into tanker trucks for transportation to final destination.
- The heating coils on the rosin tank were prepped for heating in order to transfer to trucks.

- Solidification of discharged oil continues.
- Air quality monitoring is continuing to be performed by Conastego-Rover & Associates and USCG GST personnel. All results indicated there have been no elevated readings of monitoring parameters above background.
- An area approximately 300 yards long containing approximately 10,000 gallons of environmentally sensitive petroleum product has been discovered in the northside ditch. A small beaver dam prevented further migration of the discharge. In addition, the ditch has been bermed to prevent further downstream migration of environmentally sensitive petroleum product. The material is being recovered by vacuum trucks.
- MDEQ is coordinating with MDOT to prepare for potential impact of forecasted rainfall on Hwy. 98. Sand was placed on/in culverts as a precautionary measure to contain released materials within derailment area.

Estimates of material spilled:

Fuel Oil* - 50,350 gallons
 Urea Fertilizer - 17,200 gallons
 Environment Sensitive Petroleum Product - 10,000 gallons
 Methanol - 100 gallons

*See Section 2.2.2 (Issues) regarding designation of "fuel oil" and "environment sensitive petroleum product"

2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

CN (Canadian National Railway)

2.1.4 Progress Metrics

<i>Waste Stream</i>	<i>Medium</i>	<i>Quantity</i>	<i>Manifest #</i>	<i>Treatment</i>	<i>Disposal</i>

2.2 Planning Section

2.2.1 Anticipated Activities

Please see IAPs.

2.2.1.1 Planned Response Activities

Please see IAPs

2.2.1.2 Next Steps

Please see IAPs

2.2.2 Issues

The oil contained in the tanker cars was manifested as Combustible Liquids Not Otherwise Specified (N.O.S.) (Fuel Oil) Combustible Liquid // Packing Group (PG) III. Material Safety

Data Sheet (MSDS) information provided to the OSC describes the material as heavy crude oil and #6 Fuel Oil. The material originated in Saskatchewan, Canada.

A sample of the oil has been collected and will be analyzed by the United States Coast Guard Marine Safety Laboratory for finger print analysis to determine origination and correct classification of the oil. The OSC is collecting additional documentation regarding the designation and provenance of the oil.

Rail car ECUX 371058 was manifested as environmental sensitive petroleum products, and per the MSDS contains petroleum distillates and is a combustible liquid. This railcar was un placarded. OSC is in coordination with the Federal Railroad Administration concerning this issue.

2.3 Logistics Section

No information available at this time.

2.4 Finance Section

Current authorized National Pollution Fund Center funding is \$100,000.

2.5 Other Command Staff

2.5.1 Safety Officer

Mike Gettinger - USES
USCG GST personnel

2.5.2 Liaison Officer

2.5.3 Information Officer

3. Participating Entities

3.1 Unified Command

Perry County EMA
EPA
MDEQ
CN - Canadian National Railway

3.2 Cooperating Agencies

Mississippi Department of Transportation (MDOT)
Mississippi Highway Patrol

3.3 Assisting Agencies

United States Coast Guard Gulf Strike Team (USCG GST)

4. Personnel On Site

EPA - 3
START -1

USCG - 4

5. Definition of Terms

MDEQ - Mississippi Department of Environmental Quality
MEMA - Mississippi Emergency Management Agency

6. Additional sources of information

No information available at this time.

7. Situational Reference Materials

No information available at this time.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ADMINISTRATIVE ORDER
UNDER SECTION 311(c) OF THE CLEAN WATER ACT
REGION 4

IN THE MATTER OF CANADIAN NATIONAL RAILWAY.

Docket Number: CWA-TBD

Proceedings under Section 311(c) of the Clean Water Act, 33 U.S.C § 1321(c), as amended by the Oil Pollution Act of 1990, 33 U.S.C § 2701 *et seq.*

I. JURISDICTION AND GENERAL PROVISIONS

1. The United States Environmental Protection Agency (USEPA) is issuing this Order to: CN doing business as Illinois Central Railroad, a Mississippi corporation authorized to do business in the State of Mississippi (Respondent). This Order is issued pursuant to the authority vested in the President of the United States by Section 311(c) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(c), as amended, commonly referred to as the Clean Water Act (CWA). This authority has been delegated to the Administrator of the USEPA by Executive Order No. 12777, 58 *Fed. Reg.* 54,757 (Oct. 22, 1991), and delegated to the USEPA Regional Administrators by USEPA Delegation No. 2-89 and re-delegated to On-Scene Coordinators by USEPA Region 4 Delegation No. 2-89.

2. This Order requires performance of removal actions in connection with a train derailment located at or near US Hwy 98 and Old Highway 24 in New Augusta, Perry County, Mississippi. This Order requires the Respondent to immediately conduct removal of a discharge or to mitigate or prevent a substantial threat of a discharge of oil.

II. PARTIES BOUND

3. This Order applies to Respondent. The Order further applies to persons acting on behalf of Respondent, or who succeed to an interest in Respondent. Any change in ownership or corporate status of Respondent, including but not limited to a transfer of assets or real or personal property will not alter Respondent's responsibilities under the Order.

4. Respondent must ensure that its contractors, subcontractors, and agents comply with this Order. Respondent will be liable for any violation of the Order by its employees, agents, contractors, or subcontractors.

III. DEFINITIONS

5. Unless otherwise expressly provided herein, terms used in this Order which are defined in Section 311 of the CWA, 33 U.S.C. § 1321, or in Section 1001 of the Oil Pollution Act (OPA), 33 U.S.C. §§ 2701, shall have the meaning assigned to them in the CWA or the OPA. Whenever terms listed below are used in this Order, the following definitions shall apply.
6. "Oil" shall have the meaning set forth in Section 311(a)(1) of the CWA, 33 U.S.C. § 1321(a)(1), for the purposes of the work to be performed under this Order, and Section 1001(23) of OPA, 33 U.S.C. § 2701(23), for purposes of reimbursement of costs.
7. "Hazardous substance" shall have the meaning set forth in Section 311(a)(14) of the CWA, 33 U.S.C. § 1321(a)(14).
8. "Navigable waters" shall have the meaning set forth in Section 502(7) of the CWA, 33 U.S.C. § 1362(7), Section 1001(21) of OPA, 33 U.S.C. § 2701(21), and 40 CFR Part 110.
9. "Facility" shall have the meaning set forth in Section 311(a)(10) and (a)(11) of the CWA, 33 U.S.C. §§ 1321(a)(10) and (a)(11), and by Sections 1001(22) and (24) of the OPA, 33 U.S.C. §§ 2701(22) and (24).
10. "Discharge" shall have the meaning set forth in Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2) and 40 CFR § 110.1 for purposes of the work to be performed under this Order, and shall have the meaning set forth in Section 1001(7) of the OPA, 33 U.S.C. § 2701(7), for purposes of reimbursement of costs.
11. "Order" shall mean this Order.
12. "National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan, codified at 40 CFR Part 300, including, but not limited to, any amendments thereto.

IV. FINDINGS OF FACT AND VIOLATIONS

13. The facility is a 19 car train derailment at milepost 77.8 located at or about intersection of US Hwy 98 and Old Hwy 24 in New Augusta, Mississippi.
14. At approximately 08:00 local time on Friday, January 31st, a train carrying crude oil derailed near New Augusta, Ms. Twelve (12) tanker cars filled with crude oil and one (1) rosin oil tanker car derailed into a drainage ditch at the head waters of a unnamed tributary of the Leaf River. The Leaf River discharges into the Pascagoula Bay. All of these waters are considered navigable waters of the United States.

15. Respondent is the owner and/or operator of the facility or vessel from which the discharge or substantial threat of a discharge of oil into or on the navigable waters or on the adjoining shorelines to the navigable waters took place.

16. The Respondent received a verbal Notice of Federal Interest (NOFI) on Friday, January 31st, 2014 and a written NOFI on February 1st, 2014. Since January 31st, 2014, the response has been under the direction of USEPA On Scene Coordinator (OSC) Leo Francendese and the Respondent has been a member of Unified Command.

V. ORDER

Respondent must comply with the following requirements:

Work to Be Performed

16. Respondent must perform the work necessary to complete the tasks described below within the dates specified and in accordance with the National Contingency Plan, 40 CFR Part 300.
17. Respondent must take the following immediate stabilization and mitigation actions:
- Maintain effective Site security;
 - Maintain effective stake holder participation;
 - Maintain worker safety in accordance with OSHA CFR 1910.120;
 - Continue to prevent the migration of current aerial extent of oil contamination. Install and maintain effective containment no later than 07:00 Sunday, February 2, 2014;
 - Maintain and prevent impact of the discharge to the surrounding community;
 - Remove and dispose of recoverable oil in accordance with federal, state, and local regulations;
 - Restore areas impacted as a result of the response to discharge of oil;
 - Submit plans as requested by the OSC. Those plans include Health and Safety Plan (HASP), Waste Disposal Plan;
 - Complete attached 20 questions within 90 days of completion of the response;
 - Submit a final report to USEPA detailing all work completed including monitoring and analytical data, disposal records, and all documentation related to the response within 90 days of completion of the response.
18. Respondent must submit the Plans to:
- Leo Francendese
U.S. EPA
Superfund Division
Emergency Response Section
513 Richmond, Circle
Fairhope, AL 36532

USEPA will approve, disapprove and require modifications, or modify Respondent's Plans. Once approved or approved with modifications, Respondent's Plan and schedule become an enforceable part of this Order.

Reporting Requirements

19. Respondent may assert a business confidentiality claim pursuant to 40 CFR § 2.203(b) with respect to part or all of any information submitted to USEPA pursuant to this Order, provided such claim is allowed by Section 308(b)(2) of CWA, 33 U.S.C. § 1318(b)(2). USEPA shall only disclose information covered by a business confidentiality claim to the extent permitted by, and by means of the procedures set forth at 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by USEPA, USEPA may make it available to the public without further notice to Respondent. Respondent must not assert confidentiality claims with respect to any data or documents related to site conditions, sampling or monitoring.

Access to Property and Information

20. Respondent must provide access to the facility, to off-site areas where access is necessary to implement this Order, and to all documents related to conditions at the facility and work conducted under the Order. Respondent must provide this access to USEPA and the United States Coast Guard and their contractors and representatives.

21. This Order may only be modified by written amendment signed by the undersigned EPA Region 4 On-Scene Coordinator. A written, signed modification will be incorporated by reference into this Order, and, as such becomes an enforceable part of this Order.

22. No informal advice, guidance, suggestions, or comments by EPA shall be construed to modify the requirements of this Order. Routine communications exchanged verbally, in person, by telephone or by electronic mail between the parties to facilitate the orderly conduct of work contemplated by this Order shall not alter or waive any rights and/or obligations of the parties under this Order.

VI. RESERVATION OF RIGHTS AND PENALTIES

23. This Order shall not preclude USEPA from taking any action authorized by the CWA, the OPA, the National Contingency Plan, or any other applicable law. USEPA reserves the right to direct all activities including off-facility shipping, disposal and all other matters. Further, nothing herein shall prevent USEPA from seeking legal or equitable relief to enforce the terms of this Order or from taking any other legal or equitable action as it deems appropriate and necessary, or to require the Respondent in the future to perform additional activities pursuant to the CWA, the OPA, or other applicable law.

24. Respondent must notify USEPA of any response actions taken to address the discharge described above that are not described in this Order.

25. Violation of any term of this Order may subject Respondent to a civil penalty of up to \$37,500 per day of violation or an amount up to three times the cost incurred by the Oil Spill Liability Trust Fund as a result of such failure under Section 311(b)(7)(B) of the CWA, 33 U.S.C. § 1321(b)(7)(B), as adjusted by 74 *Fed. Reg.* 626 (Jan. 7, 2009) (codified at 40 CFR Part 19).


26. Respondent may request a conference with USEPA regarding the terms and requirements

of this Order.

R3-2014-2

VII. EFFECTIVE DATE

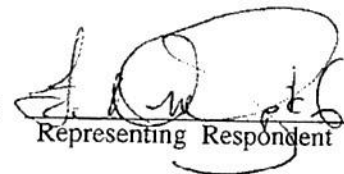
27. The effective date of this Order shall be the date of the receipt of this Order by the Respondent.



Leo Francendese
On-Scene Coordinator



Date

Received by:  _____
Representing Respondent



Date